

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF ADMINISTRATION

In the Matter of the Appeal of the
Determination of the Responsible Authority
for the Hennepin County Children, Family
and Adult Services that Certain Data about
Jim and Joan Johnson are Accurate
and/or Complete

**Recommended Order to Correct Data
Pursuant to Stipulation**

On April 11, 2005, at the time scheduled for the hearing in this matter, the parties agreed to a resolution of the matter. Specifically, the County agreed that it would make all the changes requested in the letter of November 1, 2004, from counsel for Appellants to counsel for the County.¹ By entering into the agreement, the County did not admit any wrongdoing, but was doing so to avoid the necessity of fully litigating this case.² By letter of April 11, 2005, the Administrative Law Judge notified the parties that when the agreed-upon changes had been made, he would expect Appellants' counsel to provide a withdrawal of the appeal or a Stipulation for Dismissal.

To date, the County has not provided any assurances that the agreed-upon corrections have been made. In addition, counsel for the County has not responded to any of the several communications from counsel for Appellants and from the Administrative Law Judge. It is, therefore, appropriate to incorporate the terms of the stipulation into an order that may be enforced by Appellants and by the Department.

Based upon the record herein, the Administrative Law Judge makes the following

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED that the Commissioner of Administration order that:

1. The Responsible Authority for Hennepin County Children, Family and Adult Services make the corrections requested in the letter of November 1, 2004, from counsel for Appellants to counsel for the County, which is attached hereto.

¹ Exhibit 15.

² Transcript of April 11, 2005, proceedings at 4.

2. The Responsible Authority for Hennepin County Children, Family and Adult Services certify to the Commissioner that the corrections have been made within 15 days of receipt of the Commissioner's Order.

Dated: December 14, 2005

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge

NOTICE

This report is a recommendation, not a final decision. The Commissioner of Administration will issue a final decision after reviewing the administrative record. The Commissioner may adopt, reject or modify the Administrative Law Judge's Recommendation. The final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days.³ The parties have ten calendar days after receiving this report in which to file any exceptions to the report with the Commissioner.⁴ Parties should Dana B. Badgerow, Commissioner of Administration, 200 Administration Building, 50 Sherburne Avenue, St. Paul MN 55155, phone: 651-201-2555, to find out how to file exceptions or present argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision.⁵ The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

The Department is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.⁶

³ Minnesota Statutes § 14.61. (Unless otherwise specified, all references to Minnesota Statutes are to the 2004 edition, and all references to Minnesota Rules are to the 2003 edition.)

⁴ Minn. Stat. § 14.61 and 245A.08.

⁵ Minn. Stat. § 14.62, subd. 2a.

⁶ Minn. Stat. § 14.62, subd. 1.